Remarks

Claims 27-31 are pending.

By the above amendment, minor informalities in the specification have been corrected. In particular, a typographical error in the denoted paragraph on page 28 of the specification has been corrected and a reference to a published application related to a cited provisional application has been added in the same paragraph. In the replacement paragraph on page 44 of the specification, citations to URLs have been deleted.

Non-elected claims 1-26 and 32-44 have been canceled. With respect to the original claims elected for examination on the merits, independent claim 27 has been rewritten to clarify certain terminology and to further define the discrimination function as supported by original claim 7. Dependent claim 31 has been rewritten in independent format to include the subject matter recited in original claim 27, with the feature originally recited in claim 31 being replaced by the feature found in original claim 8.

In the outstanding Office Action, the Examiner objected to the specification as containing embedded hyperlinks. As suggested by the Examiner, the citations to websites or URLs have been deleted from page 44 of the specification. This ground of objection has accordingly been overcome.

The Examiner objected to claim 27 as containing a duplication of "a pathogen species". This repeated term has been deleted as suggested by the Examiner.

Claims 27-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In light of the Examiner's helpful comments, claim 27 has been amended to more clearly follow antecedent bases with respect to the following originally recited terms: "the model system"; "the scores" and "the score"; and "the biological sample". The

feature previously recited in original claim 31 has been deleted, thereby rendering moot the rejection of this claim for indefiniteness. Accordingly, the rejection for indefiniteness should be withdrawn.

Claims 27-31 also stand rejected under 35 U.S.C. § 103 as being obvious based on Bellinger-Kawahara et al. in view of Laudes et al. and further in view of Anderson et al. Withdrawal of this rejection is respectfully requested in light of the above amendments to claims 27 and 31 and the following remarks.

Even assuming *arguendo* that one of ordinary skill in the art would have looked to combine the teachings of Bellinger-Kawahara et al., Laudes et al., and Anderson et al., the inventive method as now defined in claim 27 or claim 31 would not have been achieved. The references fail to teach or suggest a method comprising the steps of developing experimental animals modeling sepsis syndrome, administering a test compound to the experimental animals, obtaining biological samples from the experimental animals as well as from controls, measuring analytes in the biological samples, determining scores for the samples from the experimental animals and controls based on a discrimination function, and evaluating the test compound based on the comparative scores as recited in claim 27, wherein the discrimination function is 19(MCP-1-JE) + 27(IL-6) + 18(MCP-3) + 21(IL-3) + 18(MIP-1β) + 25(KC-GRO). Accordingly, claim 27 as amended patentably defines over the prior art.

The cited references also fail to disclose or suggest a method comprising the steps of developing experimental animals modeling sepsis syndrome, administering a test compound to the experimental animals, obtaining biological samples from the experimental animals as well as from controls, measuring analytes in the biological

samples, determining scores for the samples from the experimental animals and controls based on a discrimination function, and evaluating the test compound based on the comparative scores as recited in claim 31, wherein the analytes comprise Apolipoprotein A1, β2 Microglobulin, C Reactive Protein, D-dimer, EGF, Endothelin-1, Eotaxin, Factor VII, FGF-9, FGF-Basic, Fibrinogen, GCP-2, LIX, GM-CSF, Growth Hormone, GST, Haptoglobin, IFN-α, IgA, IL-10, IL-11, IL-12p70, IL-17, IL-18, IL-1α, IL-1ß, IL-2, IL-3, IL-4, IL-5, IL-6, IL-7, Insulin, IP-10, KC-GRO, Leptin, LIF, Lymphotactin, MCP-1-JE, MCP-3, MCP-5, M-CSF, MDC, MIP-1α, MIP-1ß, MIP-1α, MIP-2, MIP-3ß, Myoglobin, OSM, RANTES, SCF, SGOT, TIMP-1, Tissue Factor, TNF-α, TPO, VCAM-1, VEGF, and VWF. Consequently, independent claim 31 also patentably distinguishes over the prior art.

Since, as shown by the foregoing, the application is now in condition for allowance, Applicant respectfully requests prompt and favorable action.

Respectfully submitted,

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